THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 132 of 2002.

DATED: 23-11-2006

Between:

M.Gangadhar.

…Petitioner

and

The Depot Manager, APSRTC,
Nirmal Depot,
Adilabad District and others.

…Respondents.

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P. No. 132 of 2002.

Oral order:

The petitioner filed this writ petition questioning the Award in I.D. No. 23 of 1999 dated 24-7-2001 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District.

The petitioner was appointed as Conductor on 1-4-1983. On 26-1-1985 while he was on up journey from Nirmal to Bhainsa, seven passengers boarded the bus at Wanalpad. Out of them, two passengers alighted the bus at the same stage, while the other five passengers travelled in the bus. In the meanwhile a check was conducted at stage No.21/22 at about 10-55 hours. In the said check, the petitioner was found to have not collected the fare and issued tickets to the said batch of five passengers who were about to alight the bus at the stage where the check was exercised. The petitioner was issued charge-memo, to which he submitted his explanation. Dissatisfied with the explanation, the respondent conducted enquiry, and in the domestic enquiry, the charges leveled against the petitioner were proved. Based on the enquiry report, the disciplinary authority imposed punishment of withholding three annual increments with cumulative effect besides treating the suspension period as 'not on duty'. The appeal and review petition filed by the petitioner were dismissed by the appellate and review authorities. Aggrieved thereby, the petitioner raised an industrial dispute in I.D. No.23 of 1999, and the Labour Court, Godavarikhani, vide the award impugned in this writ petition, upheld the order of the disciplinary authority, as confirmed in appeal and review.

Heard the learned counsel for the petitioner and the learned

Standing Counsel for the respondents and also perused the impugned award.

The impugned award passed by the Labour Court is very shabby and very cryptic. Merely recording that the petitioner admitted the charge that he did not issue tickets to five passengers, it came to the conclusion that the charges against the petitioner are proved and the punishment imposed is justified. The award nether discloses appreciation of the evidence nor records any reasons, which justified the Labour Court to hold that the charges leveled against the petitioner are proved. The impugned award, therefore, cannot be sustained, and is liable to be set aside.

In the normal course, once the award is set aside, the matter has to be remanded to the Labour Court for consideration of the matter afresh, but having regard to the fact that the incident relates to the year 1985, and more than 20 years had elapsed from the date of the incident, instead of remanding the matter to the Labour Court, I deem it appropriate to modify the order of the Labour Court by awarding a lesser punishment, and more so when it is the case of the petitioner that he could not issue tickets to five passengers as they being in drunken condition quarreled with him.

In the result, the writ petition is disposed of modifying the award of the Labour Court to the following effect:

The award of the Labour Court, confirming the order of the disciplinary authority, as confirmed by the appellate and review authorities, imposing punishment of stoppage of three annual increments with cumulative effect, is modified to that of stoppage of one annual increment with cumulative period and treating the period of suspension as not on duty.

With the modification as above, the writ petition is disposed of. There shall be no order as to costs.

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N.V.RAMANA, J

23rd November, 2006.
GRR